MISSISSIPPI COURT OF APPEALS
NO. 2015-CA-00107-COA

NATHAN SINKO   **APPELLANT**

VS.

STATE OF MISSISSIPPI   **APPELLEE**

APPEAL FROM THE CIRCUIT COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

APPELLANT'S REPLY TO APPELLEE'S RESPONSE TO APPELLANT'S MOTION FOR EXPEDITED CONSIDERATION OF APPEAL AND MOTION FOR JUDICIAL NOTICE OF PUBLIC DOCUMENTS

Appellant Nathan Sinko (hereinafter "Sinko") replies to the State's Response to Motion for Expedited Consideration of Appeal and Motion for Judicial Notice of Public Documents, as follows:

1.   Sinko is not in the same situation as "every person . . .(both criminal and civil) that are waiting to be considered by this Court." Appellee's Response ¶ 2. Sinko's case is different from civil cases. By definition, civil cases do not involve a deprivation of liberty.

2.   Sinko's case is also different from the ordinary criminal case. The trial court may allow bail pending appeal for persons convicted of crimes. Mississippi Constitution, Section 29. Further, persons who have been wrongfully convicted and incarcerated may be compensated for damages under the Mississippi Wrongful Conviction Act, MISSISSIPPI CODE ANN. § 11-44-1 *et.seq.* Sinko, along with over 800 other persons who are being illegally denied consideration for parole, have no remedy for wrongful deprivation of their liberty.

3.   Sinko's Motion for Judicial Notice of Public Documents is not an attempt to introduce documents that could have been produced in the circuit court. Since Circuit Court Judge Howard denied a hearing on Sinko's Motion for Post-Conviction Relief, no documents or other

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evidence could have been introduced. In any event, the documents are submitted in support of the Motion for Expedited Consideration of Appeal. They show why early resolution of this case is important and demonstrate that there are 866 inmates who will not even be considered for parole, even though Judge Williamson in Lauderdale County has ruled that they are eligible for such consideration.

4.   Further, the documents demonstrate the enormous costs tax payers of this state are required to pay as a result of the Mississippi Department of Corrections' illegal refusal to consider the inmates for parole for their non-violent offenses.

5.   Facts here sought to be judicially noticed are within the terms of MISSISSIPPI RULE OF EVIDENCE 201, since those facts are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." The authenticity of public court records from the Circuit Court of Lauderdale County, Mississippi, and of the MDOC's own records "cannot reasonably be questioned."

WHEREFORE, PREMISES CONSIDERED, Sinko requests that his appeal be expedited, and that this Court take judicial notice of the documents attached to his Motion for Judicial Notice of Public Documents.

RESPECTFULLY SUBMITTED, this the 21st day of July, 2015.

NATHAN SINKO, Appellant

By: */s/ Jim Waide*
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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

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>
> *Via U.S. Mail:*
> Honorable Lee J. Howard
> Circuit Court Judge
> P.O. Box 1679
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>
> Forrest Allgood, Esq.
> Mark Jackson, Esq.
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>
> THIS, the 21st day of July, 2015.

/s/ Jim Waide
JIM WAIDE